

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 09-07931 ODW (SSx)	Date	December 23, 2009
Title	One Unnamed Deputy District Attorney, et al. v. County of Los Angeles, et al.		

Present: The Honorable Otis D. Wright II, United States District Judge

Raymond Neal	Not Present	n/a
Deputy Clerk	Court Reporter	Tape No.

Attorneys Present for Plaintiff(s):	Attorneys Present for Defendant(s):
Not Present	Not Present

Proceedings (IN CHAMBERS): Order DENYING Defendant’s Motion to Stay Pending Related Administrative Hearings [8]

I. INTRODUCTION AND FACTUAL BACKGROUND

On October 30, 2009, One Unnamed Deputy District Attorney and the Association of Deputy District Attorneys (collectively, “Plaintiffs”) sued the County of Los Angeles (“County”), Steve Cooley, Curtis Hazell, John Spillane, John Zajex, and Jacquelyn Lacey (collectively, “Defendants”) for damages, injunctive relief, and declaratory relief. Plaintiffs’ Complaint asserts claims for violation of their First Amendment rights of Freedom of Association and Freedom of Speech, and Fourteenth Amendment right of Equal Protection. Plaintiffs’ claims arise out of their contention that Defendants implemented an anti-union policy and retaliated against prosecutors who joined the union.

Presently before the Court is the County’s Motion to Stay Related Administrative Hearings. For the following reasons, the Court **DENIES** the County’s Motion.

II. DISCUSSION

The County contends the Court should stay the administrative hearings currently proceeding before the Los Angeles County Employee Relations Commission until a judgment is rendered in this action because (1) Plaintiffs have invoked federal jurisdiction over the issues being litigated before the administrative body, (2) a final judgment in this action would have claim preclusive effect over any decision by the administrative body and continuing the administrative hearings is wasting resources and creating a danger of inconsistent decisions, (3) the parties, subject matter, and relief sought in the administrative proceedings are substantially

the same as those in this action, and (4) through the administrative hearing process, Plaintiffs are obtaining discovery outside the rules of civil procedure and evidence, and this violates Defendants' due process rights to a fair trial.

Although the County asserts several "grounds" for its Motion, it has not cited any binding precedent that actually supports granting its Motion.¹

First, the County has not cited any binding precedent that requires a federal court to stay county administrative hearings merely because the federal action involves some of the same issues being litigated before the administrative body. In fact, the County has not cited any binding precedent that even *authorizes* this Court to stay such proceedings. Indeed, the Court has serious concerns that such a stay under these circumstances would violate the most basic principles of federalism.

As to the County's argument that Plaintiffs' decision to invoke this Court's jurisdiction somehow precludes administrative hearings concerning similar issues, the Court disagrees. The County seems to imply that by filing this action in federal court, this Court has exclusive jurisdiction over the issues presented in Plaintiffs' Complaint. The County has not cited any authority to support such an argument nor has it pointed to any claim in this action over which this Court has exclusive jurisdiction.²

Second, the County has not cited any binding precedent that requires, or even allows, a federal court to stay county administrative hearings based on the *mere possibility* that a final judgment in the federal action *could have* a potentially preclusive effect over any decision by the administrative body. The County has also failed to establish that its concerns about wasting resources and inconsistent decisions mandates staying the administrative hearings.

Third, the County has not cited any binding precedent that requires this Court to stay the administrative hearings merely because the parties, subject matter, and relief sought in those proceedings are substantially the same as those sought in this action.

Finally, given that the administrative hearing process was commenced *before* Plaintiffs filed this action, the Court is perplexed at the County's argument that, through the administrative hearing process, Plaintiffs are obtaining discovery outside the rules of civil procedure and evidence. To the extent Plaintiffs are seeking, or have obtained, discovery in the administrative hearing process, the County has not established how such discovery violates its "due process"

¹ A quick review of the County's Table of Authorities in its Motion reveals that it has cited only six cases, five statutes, two rules of civil procedure, two rules of evidence, and two Los Angeles County Code provisions. (Mot. iii.) None of the authorities cited authorize this Court to stay the county administrative hearings. For example, five of the six cases the County cites are cited for general rule statements regarding *res judicata*. The only case that the County cites in support of applying *res judicata* to an action that has not reached final judgment on the merits is *Schimmels*, but that case does not actually support applying *res judicata* in a case like this, where there is no final judgment on the merits.

² There are only a handful of areas over which a federal court has exclusive jurisdiction, and violations of constitutional rights are not among them. *See Martinez v. State of Cal.*, 444 U.S. 277, 283, and n.7 (1980).

rights in this action.

The Court is frankly disappointed at the County's decision to file this Motion. In doing so, the County has requested relief that this Court simply cannot grant. As stated above, the County fails to cite, nor has the Court found, binding precedent that supports its arguments or even authorizes this Court to grant the requested stay.

By bringing this Motion, counsel for the County has (1) ignored the most basic principles of federalism, (2) wasted the Court's time, and (3) forced Plaintiffs to incur attorneys' fees and costs in opposing the Motion. Fortunately for Plaintiffs, counsel's decision to file such a frivolous motion is not without consequences.

The Court hereby orders the County to show cause in writing (not to exceed five pages) by December 30, 2009 why the Court should not award Plaintiffs, as a sanction against the County for bad faith conduct, all reasonable attorneys' fees and costs incurred in opposing this Motion. By that same date, Plaintiffs shall submit a declaration setting forth its attorneys' fees and costs incurred in opposing this Motion.

III. CONCLUSION

In light of the foregoing, the Court **DENIES** the County's Motion.

IT IS SO ORDERED.

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